B. Group.

1943. **File No.** S. Dwr 2/43.

Examined K 28/3

Legal **DEPARTMENT**

A BRANCH

P-22-E

Subject:— Suits — Dharwar.

Civil Suits nos ~~314 to 316~~ 317 of 1944

"The institution of suits against Messrs. Anant Lingabhat Joshi, Venkatesh Krishnaji Deshpande, Shripad Venkatesh Kulkarni and Fakirappa for recovery of sums of Rs. 48-2-7; Rs. 6-2-4; Rs. 16-3-4 and Rs. 4-14-4 respectively being the management charges due to Government under the Guardian and Wards Act.

C.S. 755:
314/44 — decided G.R.
315/44
316/44 — decided G.R.
317/44 — decided G.R. 83233

File No. S. Dwr 2/43.

Std Sectt. Slip 24-B

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II	G.R.L.D. 3293 dt. 26. 4. 45	The Provincial Government of Bombay pff Versus. V.K.Deshpande defts. Re: Recordintg the result of suits.	33

Suits :

Dharwar.

Institution of — for recovery of management charges of the estates of ex-minors.

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 864.

Bombay Castle, 4th February 1943.

Letter from the District Government Pleader, Dharwar, No. 916, dated 10th December 1942—Forwarding papers and requesting sanction to the institution of suits against Messrs. Anant Lingabhat Joshi, Venkatesh Krishnaji Deshpande, Shripad Venkatesh Kulkarni and Fakirappa Gadigeppa for recovery of sums of Rs. 48-2-7, Rs. 6-2-4, Rs. 16-3-4 and Rs. 4-14-4 respectively being the management charges due to Government under the Guardian and Wards Act.

Endorsement by the Collector of Dharwar No. L.A.W. 425, dated the 22nd December 1942—Forwarding the above.

Endorsement by the Commissioner of Southern Division, No. L.S.T. 274, dated 31st December 1942—Forwarding the above with his concurrence.

Memorandum to the District Government Pleader, Dharwar, No. 801, dated the 2nd February 1943—Forwarding a copy of the brief with its accompaniments in advance.

RESOLUTION.—The institution of suits in the Court of the First Class Sub-Judge, Dharwar, against Messrs. Anant Lingabhat Joshi, Venkatesh Krishnaji Deshpande, Shripad Venkatesh Kulkarni and Fakirappa Gadigeppa for recovery of sums of Rs. 48-2-7, Rs. 6-2-4, Rs. 16-3-4 and Rs. 4-14-4 respectively being the management charges due to Government should be sanctioned.

By order of the Governor of Bombay,

Original P.N.M.

P. N. MOOS,
Secretary to Government.

G. R., No. 864, L. D., dated the 4th February 1943.

To

Home

*The Revenue Department,
*The Commissioner, Southern Division,
*The Collector of Dharwar,
The District Government Pleader, Dharwar (with papers and two copies of the brief).

*With a copy of the brief.

No. of 1943.

Copy forwarded for information and guidance to

Subd. after issue.

File.

INSTITUTION OF SUITS (DHARWAR).

(Chronological Statement of Facts.)

This relates to the institution of suits against four ex-minors for recovery of management charges due to Government as Government commission paid from the Management Fund during the course of the management of the estates by the District Court, Dharwar.

2. The estates of the minors (1) Anant Lingabhat Joshi of Amminbhavi, taluka Dharwar, (2) Venkatesh Krishna Deshpande of Kurabagatti, (3) Shripad Venkatesh Kulkarni of Masangi, taluka Kod, (4) Fakira Gadigeppa Kunkur were during their minority under the management of the District Court, Dharwar, under the provisions of the Guardian and Wards Act.

3. The estate of No. 1 (Anant Lingabhat Joshi) was under the management of the District Court from the year 1928 to 1938. The management charges of Rs. 48-2-7 are due from Anant Lingabhat for the period 1937-38.

4. The estate of No. 2 (Venkatesh Krishna Deshpande) was under the management of the District Court for the year 1928 to 1939. The management charges of Rs. 6-2-4 are due from No. 2 for the year 1932-33.

5. The estate of No. 3 (Shripad Venkatesh Kulkarni) was under the management of the District Court, Dharwar, from the year 1928 to 1934. The management charges of Rs. 16-3-4 are due from No. 3 for the period 1932-33.

6. The estate of No. 4 (Fakirappa Gadigeppa Kunkur) was under the management of the District Court until 1938 when the appointment of the Deputy Nazir as guardian was cancelled and the estate was ordered to be handed over. The management charges of Rs. 4-14-4 are due from No. 4 for the year 1934-35.

7. On 20th May 1941, the Examiner, Local Funds Accounts, Bombay, forwarded to the District Judge, Dharwar, an audit note regarding the accounts of the ex-minors' estates and observed that Government Commission remained yet to be recovered on the above-mentioned estates though management has long since been relinquished and that the amounts should be recovered early.

8. Registered notices were issued to the parties but none of them has heeded to pay. It is therefore proposed to institute suits against the ex-minors who have now attained majority.

Memorandum of Instruction.

Parties.—These are suits on behalf of the Provincial Government and the Plaintiff should be described in each suit as the Province of Bombay in accordance with the provisions of section 79 of Civil Procedure Code, 1908, as amended by the Government of India

(Adaptation of Indian Laws) Order of 1937. Four separate suits should be filed against each of the ex-minors. (1) Anant Lingabhat Joshi, (2) Venkatesh Krishnaji Desphande, (3) Shripad Venkatesh Kulkarni and (4) Fakirappa Gadigeppa Kunkur. The District Government Pleader should obtain the details regarding the description and place of residence of these defendants through the Collector and state them in the Plaint.

2. *Forum of Suit.*—The suit should be filed in the Court of the First Class Sub-Judge, Dharwar, which is the lowest Court competent to entertain the suit by the Crown in the district. The cause of action arose and the defendants reside within the territorial jurisdiction of that Court.

3. *Merits.*—Facts of the amounts of management charges to be recovered from the defendant in each suit should be stated precisely and in detail in each suit. These amounts are different in each case and are of different period. The amounts were not recovered on account of insufficient cash balance when the estates were handed over to the minors. There can be no question of the liability of the ex-minors to pay these management charges as their estates were in management of the District Court during their minority. The allegations made by Anant Lingabhat Joshi in replies to notices may be denied in the suit against him.

4. *Limitation.*—As the plaintiff is the Province of Bombay the Article 149 of Schedule I of the Limitation Act applies and the suits are all within time.

5. *Reliefs.*—The amounts to be recovered from each of the defendants in each of the suits should be stated in detail. The suits are to recover these amounts due as management charges of the estates of ex-minors and costs of the suits.

S. Dwr 2/43
Var file
10-4-43

5

AUDIT NOTE ON THE ACCOUNTS OF THE MINORS' ESTATES UNDER THE MANAGEMENT OF THE DEPUTY NAZIR, DHARWAR, FOR THE YEAR 1939-40.

No. L. 7/1—325 of 1941-42.

Rec'd 27/5/41

OFFICE OF THE ACCOUNTANT GENERAL,
LOCAL AUDIT DEPARTMENT:
Bombay, 20 [illegible] 1941

From

THE EXAMINER,
Local Fund Accounts, Bombay;

To

THE DISTRICT JUDGE,
Dharwar.

The accounts of Minors' Estates under the Deputy Nazir, Dharwar, for the year 1939-40 were audited between 10th and 28th March 1941. The following remarks are called for.

2. Out of 108 old and 6 new estates, 30 old estates and 6 new estates were audited.

3. There was unusual delay in submitting the preliminary reports to the District Judge. In some cases the delay was as long as one year and more. It is for the District Judge to consider whether a time-limit should not be fixed within which the preliminary reports should be submitted to him.

4. The balances as shown in the general cash book on 31st March 1940 agree with the details as shown in the estate day-books, except for a small difference of Re. 0-0-4 under the head "Cash with the Deputy Nazir" as shown in the general cash book. The difference should be reconciled. At present the balances are agreed only once, i.e., on the last day of the year. In future the balances should be agreed monthly.

5. Payments were made from the management fund out of the current collections. In future money required for disbursements should be drawn by cheques.

6. There are 15 estates with incomes of less than Rs. 100 and in which there have been no transactions at all for a long time. There are 24 other estates in which no maintenance allowance has been paid either because the income is insufficient or the whole income of the estates is in arrears. Attention is invited in this connection to Government Memorandum, Home Department, No. 8806-IV-B, dated 8th October 1928, according to which the Court should not, as far as possible, take over estates for management unless there is sufficient income to ensure the reimbursement to Government of all expenses, i.e. cost of management, audit fees and maintenance allowance to the minor. The District Judge may perhaps review the smaller estates and consider whether the Deputy Nazir should not be relieved of his guardianship in these cases.

7. (*a*) Payments made to Pleaders on account of fees, cost of execution proceedings and for other miscellaneous items were not entered in the Register of Suits and Decrees (Form No. 16). This should be entered to watch recovery of costs and as a measure of safety against double payments.

(*b*) Orders of the District Judge are obtained to file suits; but no approval is obtained while paying Pleaders or while incurring other expenditure in connection with the suits. The result of the suit is also not brought to notice. In future specific sanction of the District Judge should be obtained for all payments and the result of the suit brought to his notice.

8. Assistance suits for recovery of land rent are filed in Mamlatdar's Courts in the month of July of every year. But the recovery of the amounts is never watched.

r Bk H 187

In No. 1325
22/5/41

A new register of these suits is opened annually and no action is taken to scrutinise the registers of previous years. In future the outstanding items should be carried forward to the new register.

9. There is no improvement in the financial position of the Management Fund. During the year 1939-40 the receipts were Rs. 3,701 and they were inadequate to meet the expenditure with a result that the outstanding liability at the end of that year was Rs. 2,035. The management fees were raised from 6 per cent. to 9 per cent. under High Court's No. 1332, dated 7th May 1940, for the year 1940-41. But notwithstanding the increase, the receipts during the year were only Rs. 4,478 which in themselves proved insufficient to meet the expenditure and the outstanding liability at the end of the year was Rs. 1,280. Although the management fees were increased, the actual receipts fell from Rs. 61,000 (for 1939-40) to Rs. 50,000 for the following year. It is thus clear that no useful purpose would be served by merely raising the fees unless strenuous efforts are made in the matter of recovery and the dues are collected.

10. The balance of rent of lands at the end of the year 1939-40 was Rs. 1,06,000. Assistance suits were no doubt filed in the Mamlatdar's Courts and decrees obtained; but proper attention was not given to enforcing the decrees and recovering the decretal amounts. After some time no action can be taken on decrees in assistance suits. It would therefore be necessary that regular civil suits are instituted in proper cases and recoveries pursued, the amount of outstanding dues is large and in some cases pertain to period as far back as 10 years. It is therefore suggested that an administrative enquiry may be made to see whether the dues are genuine.

11. The amount of debts secured by bonds and promissory notes is Rs. 61,000. But beyond getting endorsements in order not to allow them to be time-barred, no action for the realisation of the debts appears to have been taken. This method of dealing with the debts of the minors' estates appears to be inadequate.

12. The amount secured by decrees is Rs. 1,59,000. While in a few cases execution proceedings have been filed, no action of any kind has been taken in others. If no action is taken on the decrees, it was no use filing the suits. Recoveries can be effected only by pursuing the decrees, by filing darkhasts and taking adequate measures to see that the decretal amounts are recovered. The High Court has recently sanctioned a fee of 4 per cent. for recovering the outstanding dues of the estates and the recoveries should be expedited.

13. Government commission from the following estates paid for from the management fund remains yet to be recovered though management has long since been relinquished. The amounts should be recovered early:—

	Name of estate.	Amount.			Year from which outstanding.
		Rs.	a.	p.	
1.	Aminbhavi Joshi	42	8	7	1937-38.
2.	Malkankop	4	14	4	1934-35.
3.	Amrapur	7	12	5	1933-34.
4.	Kurubagatti	26	2	4	1932-33.
5.	Masangi	16	3	4	1932-33.
6.	Sambrani	1	5	6	1932-33.

14. (*1*) *Dharwar Deshpande estate.*—Survey No. 98 of Mansur is let out for a term of five years from 1938-39 for an annual rental of Rs. 80 by a registered deed dated 24th March 1938. There is a recital in the deed that out of Rs. 80, Rs. 60 should be paid in cash, and Rs. 20 should be retained by the tenant for effecting improvements. The tenant has with him Rs. 40 for two years 1938-39 and 1939-40, but whether or not the improvements have been effected has not yet been ascertained.

(*2*) *Malkinkop estate.*—The minor owns four survey numbers which do not fetch land rent, but are merely leased for the amount of land revenue. The appointment of the Deputy Nazir as guardian was cancelled and the property was directed to be handed over in 1938. But no action has so been taken to relinquish the management.

(*3*) *Sambrani estate.*—The Deputy Nazir holds only an ornament valued at Rs. 3 on account of the minor. There has not been any transaction since 1935-36. From

the History sheet it is seen that the minor owned 57 survey numbers, of which 15 were sold. But the rest have not been leased from 1935-36. This should please be looked into.

(4) *Bijapur estate.*—A sum of Rs. 2,000 was deposited by the father of the minor in the Karnatak Central Co-operative Bank, Dharwar. This amount was withdrawn by the guardian appointed by the Court before the appointment of the Deputy Nazir as manager of the property. Though in 1938 a suit was ordered to be filed, no action has yet been taken.

(*b*) The minor owns a house and it is vacant since 1938-39. An amount of Rs. 81 on account of house rent is outstanding for the years 1934-35 to 1937-38. No attempt has been made to recover the amount yet.

(5) *Nulvi estate.*—A sum of Rs. 170-4-0 was paid on 25th May 1937 to pleader Mr. Kop on account of his fees and expenses to file the following suits :—

Name.	Amount of claim.	Amount paid.
	Rs.	Rs. a. p.
(1) R. S. Vastrad	1,125	126 4 0
(2) Do.	183	22 0 0
(3) Martanappa Kushbi ...	182	22 0 0
		170 4 0

Though the pleader was paid the necessary expenses including his fees on 25th May 1937, the second suit referred to above was filed only on 2nd June 1938, i.e. a year after payment and no enquiry regarding the delay was made by the Deputy Nazir.

(*b*) The third suit was dismissed being not in time. No orders of the District Judge were obtained to file a suit and the fact that the suit was dismissed was also not brought to his notice. The omission should be enquired into.

(6) *Belligatti estate.*—Two tenements of a house belonging to the estate were vacant throughout the year 1939-40, but remission of taxes was not claimed under section 86 (*1*) of the Municipal Boroughs Act, 1925.

(7) *Nidgundi estate.*—(*a*) Several lands were leased for sums less than the land revenue and the fact was not brought to the notice of the District Judge.

(*b*) Out of the total arrears of Rs. 1,590 at the end of the year 1939-40 a sum of Rs. 784 is due from one Mr. V. C. Patil from 1929-30. Beyond issuing formal notices to the defaulter no action has been taken to recover the amount or to take possession of the land and to lease them to another.

(8) *Shiggaon estate.*—The estate had a pearl nose-ring valued at Rs. 800. This was pledged with one Mr. R. K. Desai for Rs. 700. The ornament was redeemed on 1st August 1938 and on redemption was valued at Rs. 700 while taking it to the register of ornaments. As the ornament was pledged for Rs. 700 it should certainly be worth more than Rs. 700. An enquiry as to whether Mr. Desai has returned the right ornament appears necessary.

(9) *Kallur estate.*—The estate holds two mortgage lands as under :—

Name.	Amount.	Interest.	Date of bond.
	Rs.		
(1) Mr. S. M. Borkar ...	300	18¾ per cent.	10th February 1927.
(2) Mr. Ramappa Hanmappa ...	300	25 per cent.	25th June 1919.

As no interest is payable when it equals the principal, steps should have been taken long ago to file suits. Needful should be done now at least.

(10) *Huilgol estate.*—A sum of Rs. 180 being house rent is due from a local pleader Mr. G. V. Kulkarni for two years 1931-32 and 1932-33, but no action of any kind is taken yet to recover the amount. It may not be out of place to remark here that the defaulter is a near relative of a District Court official.

(11) *Yavagal estate.*—A sum of Rs. 400 was taken as a loan from the Deshpande estate on 22nd March 1938 for carrying out the weeding operations and for putting up a dam in the minor's land. Though the amount was drawn in March 1938 it remained undisbursed in the hands of the Deputy Nazir till 1st May 1939 on which date Rs. 100 were paid to the personal guardian to carry out the improvements. Of the balance remaining with the Deputy Nazir Rs. 60 were again paid to the personal guardian on 8th March 1940 and the net balance was credited to the estate on 6th September 1940. Why the amount was drawn before actual requirement depriving the estate of interest need explanation. It should be ascertained whether the personal guardian has carried out the improvements.

15. An objection statement contaning minor irregularities has been sent in advance under this office No. L.7/1—327, dated 23rd April 1941.

(T. N. S. RATNAM,)
Examiner, Local Fund Accounts.

No. L. 7/1—326 of 1941-42.

Copy forwarded to—

The Registrar, High Court, Appellate Side, Bombay.
The Senior Auditor, Dharwar Circle (G. P. L.).

Examiner, Local Fund Accounts.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

No. 916

Dharwar 10th December 1942.

From

Rao Bahadur B.S.Sawkar, LL.B.,

District Government Pleader,

Dharwar.

submitted Through the Collector Dharwar.

To

The Remembrancer of Legal Affairs,

Bombay.

Subject:-Proposed institution of suits for recovery of...--- Government Commission paid for from the Management Fund.

Against (1) Anant Lingabhat Joshi of Amminbhavi ~~(2)~~ for recovery of Rs.48-2-7. (2) Venkstesh Krishnaji Deshpande of ~~Kurabatti~~ Kurabagatti Taluka Dharwar for recovery of Rs.6-~~1~~-4 (3) Shripad Venkatesh Kulkarni of Masanagi Taluka Kod for recovery of Rs.16-3-4 and (4) Fakirappa Gadigeppa Kunkur for recovery of Rs.4-14-4

Sir,

I have the honour to invite your kind attention to the subject mentioned above and to request you to kindly obtain sanction of Government to file four suits for the recovery of management charges against the 4 ~~examiners~~ ex-minors mentioned at the top. The management charges are due to Government as Government Commission paid from the management Fund during the course of the management of the estates of the 4 ex-minors by the District Court, Dharwar.

DEC 11 1942

STATEMENT OF FACTS.

1. The estate of the minors (1) Anant Lingabhat Joshi of Amminbhavi, Taluka Dharwar, (2) Venkatesh Krishna Deshpande of Kurabagatti (3) Shripad Venkatesh Kulkarni of Masanagi Taluka Kod (4) Fakira Gadigeppa Kunkur , Taluka Kalaghatgi, were during their minority under the management of the District Court, Dharwar, under the provisions of the Guardian and Wards Act.

2. The estate of No.1 was under the management of the District Court from the year 1928 to 1938. The management charges of Rs.48-2-7 are due from Anant Lingabhat for the period 1937-38.

3. The estate of No.2 was under the management of the District Court for the year 1928 to 1939. The management charges of Rs.6-3-4 are due from No.2 for the year 1932-33.

4. The estate of No.3 was under the management of the District Court, Dharwar, from the year 1928 to 1934. The management charges of Rs.16-3-4 are due for the period 1932-33.

5. The estate of No.4 was under the management of the District Court until 1938 when the appointment of the Deputy Nazir as guardian was cancelled and the estate was ordered to be handed over. The management charges of Rs.4-14-4 are due for the year 1934-35.

Note:- On account of insufficient cash balance the management charges were not recovered at the time of handing over the estate of the ex-minors.

6. On 20th May 1941, the Examiner Local Funds Accounts, Bombay, forwarded to the District Judge, Dharwar, an audit note regarding the accounts of the ex-minors' estates under the management of the Deputy Nazir, for the year 1939-40. In para 13 of the Audit Note, the Examiner Local Fund Accounts, observed that Government commission for the following estates paid from the Manage Fund remained yet to be recovered through management has long since been relinquished, and that the amounts should be recovered early.

	Names of Estates.	Amount. Rs. As. Ps.	Year from which outstanding.
1.	Amminbhavi Joshi	42 - 8 - 7	1937-38.
2.	Malkankop estate of No. 4 mentioned in para 5 above.	4 -14 - 4	1934-35.
3.	Kurabagatti. *	26 - 2 - 4	1932-33.
4.	Masanagi.	16 - 3 - 4	1932-33.

* Note:-Rs.20/- have since been recovered and only Rs.6-2-4 remain to be recovered.

7. Registered notices to satisfy the management charges were issued to the parties concerned. But none of them has heeded to pay up. Not only that No.1 Anant Lingabhat Joshi of Amminbhavi has replied by a registered letter dated 24-6-1942 that he owes nothing, to the estate, that commission fees were recovered out of his

estate at the time of handing over it to him; that a similar reply was given by him on 11-6-1940 to a notice dated 6-6-1940 given to him by the Deputy Nazir; that the Deputy Nazir had caused loss to the extent of ~~Rs~~five to six thousand rupees to his estate in respect of decrees and darkhast; that a sum of Rs.60/- in respect of rent regarding his house has remained with the Deputy Nazir; that the Deputy Nazir had retained with him expenses amoun~~t~~ taken for filing a suit on a Kabulayat and that he (Anant Lingabhat) would file a suit for recovery of ~~all~~ ~~this~~ sum due to him.

8. Under the foregoing circumstances, it has become necessary for filing the suits against the various ex-minors who have now attained majority ~~on the 4th June 1942~~ on 4th June 1942.

9. The District Judge, Dharwar, has directed that notices be issued to the exminors concerned to pay up the amount as stated above and directed the Government Pleader to obtain sanction of Government to file suits against the above mentioned four exminors who have defaulted in makin up the payment to (2) file suits & (3) proceed to recover the sum & (4) and to pay the same to the management fund.

10. The Provincial Government of Bombay to whose Treasury the amount is to be credited would be the plff and the ex-minors would be defendents. Separate suits will have to be filed against each of them.

11. The forum will be the F.C.Sub-Judge's court, Dharwar, within whose jurisdiction the exminors reside.

12. The cause of action arose within the jurisdiction of the court of the First Class Sub-Judge, Dharwar.

13. As the plff will the Government of Bombay, the suits would be governed by Act 149 of the Limitation Act, and the suits would be in time.

14. The exminors whose estates were managed by the Deputy Nazir of the District Court would be liable to pay the management charges.

15. On account of insufficient cash balance the

the management charges were not recovered at the time of delivery of the estate back to the ex-minors.

16. The reliefs to be ~~paid~~ prayed for would be for a decree against the ex-minors in question for payment of the management charges (as stated above in detail) to the plff.

17. The ex-minors have sufficient estate in their possession so that there would be no question of solvency.

Under these circumstances, I would request you to kindly obtain sanction of Government for filing the suits as proposed above at an early date, and after receipt of the necessary sanction, draft plaints will be submitted for favour of your approval.

Your obedient servant,

S A Mulchand

for District Government Pleader.

Respectfully submitted through the Collector of Dharwar.

S A Mulchand

for District Government Pleader.

No L.Aw 425—
Dhw. 22.12.42.

Submitted through the Commissioner S. D. Belgaum.

for

Collector of Dharwar. 36 4/1/43

No. L.S.T.-274.
Office of the Commissioner, S.D.
Belgaum, 31st December 1942.

L. D. 1 JAN

Submitted with concurrence.

Commissioner, S.D.

Remembrancer of Legal Affairs.

Submitted

This relates to the institution of four suits in the Court of the First Class Sub-Judge, Dharwar against four ex-minors to recover the amounts due from each as management charges when their estates were in management of the District Court during their minority. The amounts were not recovered as there was insufficient cash balance when the estates were handed over to them. Objection was taken by the Examiner Local Funds Accounts and the amounts are not paid despite notices. Hence suits have to be instituted. There is no question of solvency of the defendants. Sanction may be accorded to the institution of these suits. The Memorandum of Instructions is put up for approval.

Dlm
20/1

RLA Plw 24/1

No. 587 & 25/1/43
736
A 26-1-43

Secy RD. I presume L.D concur & concurrence Secy H.D and Secy R.D.

L.D 26-1-43

L.D.

No. 642 & 27/1/43

Secy HD

Home Department.

It will be seen from the L.D. note overleaf, that it is proposed to file 4 suits in the Court of the 1st Class Sub-Judge, Dharwar, for the recovery of management charges against ex-minors mentioned in the margin whose estates were under the management of the Distt. Court, Dharwar, under the Guardians and Wards Act. These charges could not be recovered as there was insufficient cash balance when their estates were handed over to the minors.

*
1.A.L.Joshi. -Rs.48-2-7.
2.V.K.Deshpande- Rs.6-2-4.
3.S.V.Kulkarni -Rs.16-3-4.
4.Fakirappa Gadigeppa - Rs.4-14-4.

The Distt. Govt. Pleader, Dharwar, has in his letter at p.1 ante, given the facts about the management of these estates and explains the circumstances in which it has become necessary to file these suits.

2. It will be seen from para.13 of the Audit Note on the accounts of the minors' estates under the management of the Dy.Nazir, Dharwar, for 1939-40, that Govt. commission on these estates which was paid from the management fund remained unrecovered though the management was relinquished long ago. It is not understood why no steps were taken to recover these charges earlier and what steps were taken by the D.J. against the Dy.Nazir or any other officer who may be responsible for this delay.

If approved, L.D. may be asked to return the papers to this Deptt. after the issue of orders regarding the filing of suits, and when the papers are received back, the D.J. may be asked to explain the position referred to at 'A' above.

924
2-43.

30-1-43.

30/1

a.o. to L.D. dt. 30-1-43.

15 25

The D.G.P. may be requested× to state the nature of the management charges and to ~~obtain~~ state if they are fees under § 22(2) of the Guardians & Wards Act 1890 to forward a copy of the order prescribing the same

BJhs
29/9

× by D. letter No 218-L dt 30-9-1943.

CC.

S. Dept 2/43.

17 ##

No. 551

Dharwar 5th October 1943.

To,

The Remembrancer of Legal Affairs,

Bombay.

9713

A/7-10-43.

Subject:-Institution of suits against Anant Lingabhat Joshi and others for recovery of the management charges due to Government under the Guardians and Wards Act, 1890.

Sir,

With reference to your memorandum No.218-L dated the 30th September 1943, I have the honour to state that the amount due from the four Ex-minors is in respect of Government commission paid from the Management Fund. It is submitted that the revision of the scale of fees for the management of the minors' estates has been laid down in G.R.H.D.No.8806 dated the 18th October 1934, which runs as follows—

"Resolution:- Government are pleased to sanction, under Sec. 22 of the Guardians and Wards Act, VIII of 1890, the following scales of fees proposed by the High Court for the management of the minors' estates in the charge of the Deputy Nazirs and the Nazirs in the Presidency proper, in the place of the one sanctioned in Government Resolution, Judicial Department, No.1586, dated the 12th March 1917:-"

1 per cent.	On the capital value of non-productive property, when the estate has an annual income of Rs.500 or less.
4½ per cent	On the first five hundred rupees of income, when the estate has an annual income of more than five hundred rupees.
5 per cent	On the first thousand rupees of income.
4½ per cent	On the second thousand rupees of income.
3½ per cent	on the third thousand rupees of income.
2 per cent	On the fourth to the tenth thousand rupees of income.
1 per cent	On the subsequent thousands of rupees of income.

Your obedient servant,

Submitted with pp

~~[Pps 5 Encl 2/43, Coll. inco~~
~~(A put with the Pps).]~~

B Ramarao
District Government Pleader.

~~BX~~
~~9-10 Coll~~
~~Coll~~
~~10-10~~

~~SP~~

19 ~~17~~

These are four suits to recover arrears of management charges from the former wards of the Court. The draft plaints at pp 1-7 as amended are in order and may be approved.

BSW
2/11

R.L.A. Rum 6/11

L.C.Suit No. 3.7/44

In the Court of the First Class Sub-Judge, at Dharwar.

Plaintiff:- The Province of Bombay.

versus

Defendant:- Anant Lingabhat Joshi, aged about 25, occupation agriculturist, caste Brahmin, resident of Amminbhavi, Taluka Dharwar, District Dharwar.

The plaintiff herein begs to sue as under:-

1. The estate of the defendant, during his minority, was under the management of the District Court, Dharwar, from the year 1928 to 1936 under the provisions of the Guardian and Wards Act.

2. The Government management charges in respect of the said estate of the defendant amounting to Rs.48-2-7 are still due from the defendant for the year 1937-38. The plaintiff submits that the amount in question was not recovered from the defendant on account of insufficient cash balance when the estate was handed over to the defendant. The defendant is liable in law to pay the same.

3. A notice demanding the amount of Rs.48-2-7 was sent to the defendant by registered post and the same was received by him on 24-6-1942, but the defendant did not pay the amount. But on the other hand he made false allegations inter alia saying that the management charges have already been recovered out of his estate at the time of handing over his estate to him and that he owned nothing to plaintiff on account of Government commission and that on the contrary, loss had been caused to his estate by the Deputy Nazir. His allegations are altogether false and unfounded.

4. The plaintiff has, therefore, to file this suit for recovery of Rs.48-2-7 due from the defendant as stated in para.2 above.

5. The cause of action for this suit arose in 1936, for recovery of Government commission, when the estate was handed over to the defendant by the District Court. The plaintiff

suit is in time under Article 149 of Schedule I to the Indian Limitation Act.

6. This court has jurisdiction to try the suit, as the Crown is the plaintiff and the defendant also resides within the jurisdiction of this court and the cause of action arose therein.

7. The suit is valued for the purposes of court-fees and jurisdiction at Rs.48-2-7, the subject-matter in suit.

8. The plaintiff prays for a decree for recovery of Rs.48-2-7 from the defendant, with future interest at 6% and costs of this suit.

District Government Pleader,
Dharwar.

I, District Government Pleader, Dharwar, do hereby declare that what is stated in paragraphs 1 to 8 above is true according to the information received and believed to be true. This verification is mate at on the day of November 1943.

District Government Pleader,
Dharwar.

L. C. Suit No. 314/44

23

In the Court of the First Class Sub-Judge,
at Dharwar.

The Province of Bombay .. .. Plaintiff

Versus

Venkatesh Krishna Deshpande ..) .. Defendant.
aged about 28, occupation Watani)
Wahiwat and agriculturist, Brahmin
resident of Kurabagatti Taluka)
Dharwar. .. ... .)

1. The estate of the defendant, during his minority was under the management of the District Court, Dharwar, from the year 1928 to 1939, under the provisions of the Guardians and Wards Act.

2. The management charges by the Government agency in respect of the said estate of the defendant amounting to Rs.6-3-4 are still due from the defendant for the year 1932-33. The plaintiff submits that the amount of Government commission was not recovered from the estate on account of insufficient cash balance when the estate was handed over to the ex-minor i.e. defendant. and that the defendant is liable to pay the same.

3. It is submitted that out of Rs.26-3-4, the defendant paid Rs.20/- only on 2nd July 1942 and the balance of Rs.6/3/4 is still due from him.

4. A notice demanding the full amount of Rs.26-3-4 was sent by registered post to the defendant and the same was received by him on 26th June 1942. Thereafter the defendant paid only Rs.20/- on 2nd July 1942 on account of the Government commission, as stated in paragraph 4 above, and has failed to pay the balance Rs.6/3/4. Hence this suit has been filed for the recovery of the said sum.

5. Cause of action for recovery of Government Commission arose in 1939 when the estate as handed over to the defendant. The plaintiff's suit is in time under Article 149 of the Indian Limitation Act.

6. This court has jurisdiction to try this suit, as the plaintiff is the Province of Bombay, and the defendant resides within the jurisdiction of this court, and the cause of

arose there.

7. The suit is valued for the purposes of court fees and jurisdiction at Rs.6-3-4 claimed in the suit.

8. The plaintiff prays for a decree for the recovery of the sum of Rs.6-3-4 from the defendant, with future interest at 6% and costs of this suit.

District Government Pleader.

I, District Government Pleader, Dharwar, do hereby declare that what is stated in paragraphs 1 to 8 above is true according to the information received and believed to be true. This verification is made at on the day of November 1943.

District Government Pleader,
Dharwar.

L. C. Suit No.
In the Court of the First Class Sub-Judge,
at Dharwar.

41

25

Plaintiff: The Province of Bombay.

Versus

Defendant: Shripad Venkatesh Kulkarni aged about 28 caste Brahmin. Occupation Watani vahivat (agriculturist) residing at Masanagi Taluka Kod, District Dharwar.

In this case, the plaintiff sues as follows:-

1. The estate of the defendant, during his minority, was under the management of the District Court, Dharwar, from the year 1928 to 1934, under the provisions of the Guardians and Wards Act.

2. The management charges in respect of the said estate amounting to Rs.16-3-4 are still due from the defendant for the year 1932-33. The plaintiff submits that the amount in respect of Government commission was not recovered on account of insufficient cash balance when the estate was handed over to the ex-minor i.e. the defendant, and that the defendant is in law liable to pay the same.

3. A notice demanding the amount of Rs.16-3-4 was sent by registered post to the defendant and the same was received by him on 1st July 1942. But the defendant did not pay the amount in question. Hence, the suit has been filed for recovery of the said sum.

4. The cause of action arose in 1934 when the estate was handed over to the defendant. The plaintiff's suit is in time under Article 149 of the Indian Limitation Act.

5. This court has jurisdiction to try this suit, as the plaintiff herein is the Province of Bombay. The defendant resides within the jurisdiction of this court and the cause of action arose therein.

6. The suit is valued for the purposes of court fees and jurisdiction at Rs.16-3-4, the amount in suit.

7. The plaintiff prays for a decree for the recovery of the amount of Rs. 16-3-4 in respect of Government commission from the defendant, with future interest at 6% and costs of this suit.

District Government Pleader.

(P.T.O)

I, District Government Pleader, Dharwar, do hereby declare that what is stated in paragraphs 1 to 7 above is true according to the information received and believed to be true. This verification is made at on the day of November 1943.

District Government Pleader,
Dharwar.

L.C.Suit No. 316/44 47

In the Court of the First Class Sub-Judge, at Dharwar.

Plaintiff:- The Province of Bombay.

versus

Defendant:- Fakirappa Gadigeppa Kunkur, caste Lingayat, aged about 22, occupation agriculturist, resident of Malkinkop Taluka Kalghatgi, District Dharwar.

In this case, the plaintiff sues as follows:-

1. The estate of the defendant, during his minority, was under the management of the District Court, Dharwar, until the year 1938, when the appointment of the Deputy Nazir was cancelled and the estate was ordered to be handed over to the defendant under the provisions of the Guardians and Wards Act.

2. The management charges by the Government agency in respect of the said estate of the defendant, amounting to Rs.4-14-4 are still due from the said defendant for the year 1934-35. The plaintiff submits that the amount of Government commission was not recovered from the defendant on account of insufficient cash balance when the estate was handed over to the ex-minor, and that the defendant is liable in law to pay the same.

3. A registered notice demanding the amount of Rs.4-14-4 was sent to the defendant and the same was received by him on 10-8-1942, but the defendant did not pay the amount. Hence the suit has been filed for recovery of the said amount.

4. The cause of action for this suit arose in 1935 when the estate was handed over to the defendant. The plaintiff's suit is in time under Article 149 of Schedule I to the Indian Limitation Act.

5. This court has jurisdiction to try the suit, as the Crown is the plaintiff and the defendant also resides within the jurisdiction of this court and the cause of action arose therein.

6. The suit is valued for the purposes of court-fees and jurisdiction at Rs.4-14-4, the subject-matter of the suit.

7. The plaintiff prays for a decree for recovery of the

sum of Rs.4-14-4, with future interest at 6% and costs of this suit.

District Government Pleader,
Dharwar.

I, District Government Pleader, Dharwar, do hereby declare that what is stated in paragraphs 1 to 7 above is true according to the information received and believed to be true. This verification is made at on the day of November 1943.

District Government Pleader,
Dharwar.

D e c r e e.

In the Court of the F.C. Subordinate Judge,

At Dharwar.

L.C. Civil Suit No.316 of 1944. Exh.

Plaintiff :- The Provincial Government of Bombay.

Against.

Defendant :- Fakirappa Gadigeppa Kunkur, caste Lingayat, agedabout 22, occupation agriculture, resident of Melkinkop Taluka Kalghatgi.

Suit filed on 3-11-1944.

Suit Registered on 4-11-1944

Claim Rs. 4-14-4
for pleader's fees

In this case the plaintiff sues as follows :

1. The estate of the defendant, during his minority, was ~~xxxxx~~ under the management of the District Court, Dharwar, until the year 1938, when the appointment of the Deputy Nazir was cancelled and the estate was ordered to be handed over to the defendant under the provisions of the Guardians and Wards Act.

2. The management charges by the Government agency in respect of the said estate of the defendant, amounting to Rs. 4-14-4 are still due from the said defendant for the year 1934-35. The plaintiff submits that the amount of Government commission was not recovered from the defendant on account of insufficient cash balance when the estate was handed over to the ex-minor, and that the defendant is liable in law to pay the same.

3. As regards notice demanding the amount of Rs. 4-14-4 was sent to the defendant and the same was received by him on 10-8-1942, but the defendant did not pay the amount. Hence the suit has been filed for the recovery of the said amount.

4. The cause of action for this suit arose in 1935 when the estate was handed over to the defendant. The plaintiff's suit is in time under -- Article 149 of Schedule I to the Indian Limitation Act.

5. This Court has jurisdiction to try the suit, as the Crown is the plaintiff and the defendant also resides within the jurisdiction of this Court and the cause of action arose therein.

6. The suit is valued for the purposes of Court-fees and jurisdiction at Rs.4-14-4, the subject matter of the suit.

7. The plaintiff prays for a decree for recovery of the sum of -- Rs. 4-14-4, with future interest at 6 % and costs of this suit.

This suit coming on this day for final disposal before Mr. M.S.Bagali F.C. Subordinate Judge, Dharwar in the presence of Mr. S.R.Malapur pleader for the plaintiff and defendant being exparte it is ordered & decreed that :-

The defendant do pay to the plaintiff the sum of Rs. 4-14-4 and costs of this suit with future interest on Rs. 4-14-4 only at the rate of 6.p.c.per annum from the date of suit till payment.

Costs of the suit,

Plaintiff's costs.	Rs.	A.	P.	Defendant's costs.	Rs.	A.	P.
1. Stamp for plaint Ex. 1.	0	8	0				
2. Pleader's fees (minimum Rs.15)	15	0	0				
3. Process fees as per Ex.1.	0	4	0				
Total	Rs. 15	12	0				

16/5/45

Given under my hand and the seal of this Court this 17th day of -- February 1945.

Sd. R.H. Navalur.
Karkun.

Sd. MS.Bagali.
F.C. Sub-Judge.
24-2-1945.

Plff's pleader - Sd. S.R.Malapur.
Asst. Govt.Pleader.
Defendant'sexpleader - exparte.

Decree.

In the Court of the P.C. Sub-Judge, Dharwar,

At Dharwar.

L.C. Civil Suit No. 314 of 1944.

Plaintiff :- The Provincial Government of Bombay.

Versus.

Defendant :- Venkatesh Krishna Deshpande, age about 28, occupation Watani Wahiwat and agriculture, caste Brahmin, resident of Kurabgatti Taluka Dharwar.

Suit filed on 3-11-1944.

Suit registered on 4-11-1944.

Claim Rs. 6-3-4

For jurisdiction.

The plaintiff sues as follows :-

1. The estate of the defendant, during his minority was under the management of the District Court, Dharwar, from the year 1928 to 1939, under the provisions of the Guardians and Wards Act.

2. The management charges by the Government agency in respect of the said estate of the defendant amounting to Rs.6-3-4 are still due from the defendant for the year 1932-33. The plaintiff submits that the amount of Government commission was not recovered from the estate on account of insufficient cash balance when the estate was handed over to the ex-minor i.e. defendant, and that the defendant is liable to pay the same.

3. It is submitted that out of Rs. 26-3-4, the defendant paid Rs. 20/- only on 2nd July 1942 and the balance of Rs. 6-3-4 is still due from him.

4. A notice demanding the full amount of Rs. 26-3-4 was sent by registered post to the defendant and the same was received by him on 26th June 1942. Thereafter the defendant paid only Rs.20/- and on 2nd

July 1942 on account of the Government commission, as stated in paragraph 4 above, and has failed to pay the balance Rs. 6-3-4. Hence this suit has been filed for the recovery of the said sum.

5. Cause of action for recovery of Government Commission arose in 1939 when the estate was handed over to the defendant. The plaintiff's suit is in time under Article 149 of the Indian Limitation Act.

6. This Court has jurisdiction to try this suit, as the plaintiff is the Province of Bombay, and the defendant resides within the jurisdiction of this Court, and the cause of action arose there.

7. The suit is valued for the purposes of court fees and jurisdiction at Rs. 6-3-4 claimed in the suit.

8. The plaintiff prays for a decree for the recovery of the sum of Rs. 6-3-4 from the defendant, with future interest at 6 % and costs of this suit.

This suit coming on this day for final disposal before Mr. M.S.Bagali F.C. Subordinate Judge, Dharwar in the presence of Mr. S.R.Valapur pleader for the plaintiff and the defendant being exparte, it is ordered & decreed that-

The defendant do pay to the plaintiff the sum of Rs.6-3-4 and costs of the suit with future interest on Rs.6-3-4 at the rate of 6 P.C. per annum from the date of suit, till payment.

Costs of the suit.

Plaintiff's costs.	Rs.	A.	P.	Defendant's costs.
1. Stamp for plaint Ex. 1.	0	-15	-0	
2. Pl ader's fees on (Rs.6-3-4) Minimum (Rs.15-0-0) . .	15	- 0	- 0	
3. Stamp for Exhibits - (Ex.4)	0	-2	- 0	
4. Bhatta on process fees as per Ex.1.	0	-4	- 0	
	16	-6	- 0	
Costs disallowed.				
Exhibits.	0	-0	- 0	
Total	16	-6	- 0	

Given under my hand and the seal of this Court this 17th day of February 1945.

Sd. R.H. Navalur.
Karkun.

Sd. M.S.Bagali.
F.C.Sub-Judge.
24-2-1945.

Plff's pleader - Sd. S.R.Valapur.
Deft's pleader - exparte. Asst. Govt. Pleader.

45
33

Suits:

Dharwar.

Institution of - for recovery of management charges of the estates of ex-minors.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.3293
Bombay Castle, 24th April 1945.

Read Government Resolution, Legal Department, No.864 dated the 4th February 1948.

Letter from the District Government Pleader, Dharwar, No.200, dated the 26th March 1945, stating that the suits noted in the margin were decided by the First Class Sub-Judge, Dharwar, on the 17th February 1945, when the following orders were passed respectively :-

In the Court of the First Class Sub-Judge, Dharwar.
Civil Suit No.314 of 1944.
The Provincial Government of Bombay....Plaintiff;
vs.
Venkatesh Krishna Deshpande.....Defendant
Claim Rs.6-3-4

In the Court of the First Class Sub-Judge, Dharwar.
Civil Suit No.316 of 1944.
The Provincial Government of Bombay....Plaintiff;
vs.
Fakirappa Gadigeppa Kunkur..... Defendant.
Claim Rs.4-14-4

" The Defendant do pay to the plaintiff the sum of Rs.6-3-4 and costs of the suit with future interest on Rs.6-3-4 at the rate of 6 p.c. per annum from the date of suit, till payment." and

" The Defendant do pay to the plaintiff the sum of Rs.4-14-4 and costs of this suit with future interest on Rs.4-14-4 only at the rate of 6 p.c. per annum from the date of suit till payment "

and forwarding uncertified copies of the decrees.

RESOLUTION.- The result of the suits is recorded.

By order of the Governor of Bombay,

For P.N.MOOS,
Secretary to Government.

To

The Home Department.
The Commissioner, Southern Division,
The Collector of Dharwar.

Submitted after issue
& file in S Dwr 2/43

MNT.
27.4.

P.A. [signature]
27/4

~~Exhibit~~

In the Court of the Civil Judge, Senior Division,

At Dharwar.

L.C.Civil Suit No.317 of 1944. [Exh. No.15.]

Plaintiff :- The Province of Bombay.

Versus.

Defendant :- Anant Lingabhat Joshi, [aged about 25, occupation agriculturist, caste Brahmin, resident of Aminbhavi taluka Dharwar District Dharwar.

Presented on 3-11-1944.

Filed on 9-11-1944.]

Claim Rs. 48-2-7.

The plaintiff herein begs to sue as under :-

1. The estate of the defendant, during his minority, was under the management of the District Court, Dharwar, from the year 1928 to 1938 under the provisions of the Guardian and Wards Act.

2. The Government management charges in respect of the said estate of the defendant amounting to Rs.48-2-7 are still due from the defendant for the year 1937-38. The plaintiff submits that the amount in question was not recovered from the defendant on account of insufficient cash balance when the estate was handed over to the defendant. The defendant is liable in law to pay the same.

3. A notice demanding the amount of Rs.48-2-7 was sent to the defendant by registered post and the same was received by him on 24-6-1942, but the defendant did not pay the amount. But on the other hand he made false allegations inter alia saying that the management charges have already been recovered out of his estate at the time of handing over his estate to him and that he owed

nothing t plaintiff on account of Government commission and that on the contrary, loss had been caused to his estate by the Deputy Nazir. His allegations are altogether false and unfounded.

4. The plaintiff has, therefore, to file this suit for recovery of Rs.48-2-7 due from the defendant as stated in para 2 above.

5. The cause of action for this suit arose in 1936, for recovery of Government commission, when the estate was handed over to the defendant by the District Court. The plaintiff's suit is in time under Article 149 of Schedule I to the Indian Limitation Act.

6. This Court has jurisdiction to try the suit, as the Crown is the plaintiff and defendant also resides within the jurisdiction of this court and the cause of action arose therein.

7. The suit is valued for the purposes of court-fees and jurisdiction at Rs.48-2-7, the subject matter in suit.

8. The plaintiff prays for a decree for recovery of Rs.48-2-7 from the defendant, with future interest at 6 % and costs of this suit.

This suit coming for final disposal before Mr. M.S.Bagali, Civil Judge Sen or Division, Dharwar in the presence of Mr. Walapur, pleader for the plaintiff and Mr. Mutalik Desai, it is ordered and decreed that -

Defendant do pay to plaintiff the sum of Rs.42-8-7 and proportionate costs of suit with future interest on Rs. 42-8-7 only at the rate of 6 % per annum, from the date of the decree till payment. Defendant to bear his own costs.

Bill of Costs.

Plff.		Deft.	
Stamp for plaint	Rs. 4-12-0	Stamp for Vakalat	Rs.0-10-0
Do for application x.	0 -4-0	Do for Appln	0 -3-0
Process fee	0-15-0	Process fee.	0 - -0
Pleader's fees.	Rs15-0-0	Pleader's fees	15 - 0 -0
Total	20-15-0	Total	15-13- 0
Costs disallowed.		Cost disallowed.	
Court fee on Ex.1	0- 9 -0	On application Ex.6	0 -3- 0
Balance	20 -6 -0	Balance	15-10-0

Given under my hand and the seal of this Court this 28th June 1945.

Clerk.

Civil Judge, S.D.

Def Plff's pleader :-

Deft's pleader :-

37 - 52

Copy was applied for on the ( )

Clerk of the Court.

It was ready for delivery on the ( )

Clerk of the Court.

It was

Clerk of the Court.

Received on 3-11-44. Decided on 28-6-45.

Registered on - 3-11-44 Duration - 7 months & 25 days.

In the Court of the Civil Judge Senior Division,

At Dharwar.

L. C. Civil Suit No.317 of 1944, Exh. No.15.

Pleaders.

Malapur. The Province of Bombay. . . . Plaintiff.

Against.

Mr. Mutalik Desai. Anant Lingabhatta Joshi of Aminbhavi Tal Dharwar Brahmin age 25, Agri. .... Defendant.

Claim Rs. 48-2-7.

The Plaintiff sues to recover the amount of Rs.48-2-7 being the Government management charges in respect of the estate of the Deft during his minority for the year 1937-38.

	Rs.	A.	P.	Rs.	A.	P.
Principal	48	2	7			
Total				48	2	7

Balance still due Rs.48-2-7

with costs and future interest from Deft.

This is a suit by the Provincial Government of Bombay to recover a sum of Rs. 42-8-7(by mistake the ~~figure~~ figure of Rs.48-2-7 has been mentioned in the plaint) and costs of suit from the defendant. The latter's estate was under the management of the Deputy Nazir District Court from 1928 to 1936. A sum of Rs. 42-8-7 was due to the Government as management charges. The Government have claimed that amount. The defendant admits the claim (Vide Ex.14) and prays that he should not be saddled with the costs of suit. A notice was given to the Deft before the suit was filed demanding payment of the money

to which the Deft replied denying his liability. The Government had therefore to file this suit to recover the money. Deft must — therefore pay the costs to the Plaintiff. I pass the following order

Order.

Deft do pay to Plaintiff the sum of Rs.42-8-7 and proportionate costs of suit with future interest on Rs. 42-8-7 only at the rate of 6 % per annum from the date of the decree till payment. Deft to bear his own costs.

28-6-1945. Sd. M.S.Bagali.

C.J.S.D.

Typed by

True Copy

Compared by

Clerk of the Court.

39-63

Suits:
Dharwar.
Institution of - for recovery of management charges of the estates of ex-minors.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution.No. 8323

Bombay Castle, 8th November 1945.

Read Government Resolution, Legal Department No.864, dated the 4th February 1943.

Letter from the District Government Pleader,Dharwar, No.381, dated the 20th August 1945 - Forwarding uncertified copies of judgment and decree in the suit noted in the margin which was decided by the Civil Judge, Senior Division, Dharwar, on 28th June 1945, when the following order was passed:-

In the Court of the Civil Judge,Senior Division, at Dharwar. L.C.Civil Suit No.317 of 1944. The Province of Bombay.... .... Plaintiff; vs. Anant Lingabhat Joshi..... .... Defendant. Claim Rs.48-2-7.

"Defendant do pay to plaintiff the sum of Rs.42-8-7 and proportionate costs of suit with future interest on Rs.42-8-7 only at the rate of 6% per annum from the date of the decree till payment. Defendant to bear his own costs.

RESOLUTION.- The result of the suit is recorded.

By order of the Governor of Bombay,

R.M. Mehta

For { P.N.Moos,
Secretary to Government.

To

The Home Department,
The Commissioner, Southern Division,
The Collector of Dharwar.

Subd. after issue
File in S. Diversion 2/43

Mak 11-6

Letter from the District Government Leader,Harrow,
To.3641, dated the 20th January 1945 - Forwarding unsettled
Land Government Resolution/Bill/Post Department No.8764,
letter the 4th January 1945.

Subject:- Re-Construction of - for recovery of
re-issue
management charges of the estate of
the Institution of - for recovery of
Dharwar.
Dharwar.

Ord No.

Resolution No.

Bombay Castle, November 1945.

To

The Home Department,
The Commissioner, Southern Division,
The Collector of Dharwar.

By order of the Governor of Bombay,

(Secretary to Government.

For

RESOLUTION.- The result of the suit is recorded.

Petitioner to pay to plaintiff the sum of Rs.-3-7
Rs. Rupees-8-7 only at the rate of 6½ per annum from the date
of the decree till payment. Interest to bear the same
rate.

"Petitioner to pay to plaintiff the sum of Rs.-3-7
Rs. Rupees-8-7 only at the rate of 6½ per annum from the date
of the decree till payment. Interest to bear the same
rate.

Civil Misc. Dharwar, on 27th June 1945, Item No.

following order was passed:-

case in the High which was decided by the Hon'ble Judges,

Civil Suit No.48-3-7.

Plaintiff;

Versus

Defendant.

In the Court of the Civil Judge,Senior Division,
at Dharwar.

Civil Suit No.317 of 1944.

Mr. Govind Tonbay.... .... Plaintiff;

vs.

Mr. Bhat Tonbay..... .... Defendant.

Civil Suit No.317 of 1944.

In the Court of the Civil Judge,Senior Division,
at Dharwar

L.C.Suit No. 315/1942.

Decree

In the Court of the First Class Sub-Judge at Dharwar.

Plaintiff:- The Province of Bombay.

Vs.

Defendant:- Shripad Venketeash Kulakarni age about 28 caste Brahmin Occupation Watani Wahivat (Agriculturist) residing at Masabagai Taluka Kod District Dharwar.

Claim Rs. 16-3-4.

In this case, the plff sues as follows:-

(1) The estate of the defendant during his minority, was under the management of the District Court, Dharwar, from the year 1928 to 1934, under the provisions of the Guardians and Wards Act.

(2) The management charges in respect of the said estate amounting to Rs. 16-3-4 are still due from the defendant for the year 1932-33. The plff submits that the amount in respect of Government commission was not recovered on account of insufficient cash balance when the estate was handed over to the Ex-minor i.e. the defendant, and that the defendant is in law liable to pay the same.

(3) A notice demanding the amount of Rs. 16-3-4 was sent by registered post to the defendant and the same was received by him on 1st July 1942. But the defendant did not pay the amount in question. Hence, the suit has been filed for the recovery of the said sum.

(4) The cause of action arose in 1934 when the estate was handed over to the defendant. The plaintiff's suit is in time under article 149 of the Indian Limitation Act.

Ex 42

5. This Court has jurisdiction to try this suit, as the plaintiff herein is the province of Bombay. The defendant resides within the jurisdiction of this Court and the cause of action arose therein.

6. The suit is valued for the purposes of Courtfee and Jurisdiction at Rs. 16-3-4, the amount in suit.

7. The plaintiffparys for a decree for the recovery of the amount of Rs. 16-3-4 in respect of Fovernment Commission from the defendant, with future interest at 6 % and costs of this suit.

Sd/ xxxxxxxxx

3rd Nov 1944. Asst'Govt Pleader.

I. Shri S.R.Malapur Asst Government pleader Dharwar, do hereby declare that what is stated in paragraphs 1. to 7 above is true according to the information received and believed to be true. This verification is made at Dharwar on the 3rd day of November 1843.

Sd/ Asst Govt Pleader.

Examined and particulars are ordered to be entered in the register of suits.

Sd/ Clerk of the Court.

ORDER

Issue summons for F.D.

9-11-1944. Sd/ M.S.B-
F.C.S.J.

Claim settled out of Court (Vide Exh.4)

Disposed of. No order as to costs.

Sd/ M.S.Bagali.
F.C.S.J.
7-2-1945.